

EXHIBIT 3

Leito IV, James V.

From: Andrew Williamson <awilliamson@piercebainbridge.com>
Sent: Tuesday, April 14, 2020 4:49 PM
To: Farrell, Thomas M.; Swartzendruber, Michael
Cc: Fagelman, Jason; Leito IV, James V.; Young, Geraldine W.; Tarpley, Philip; Andrew Lorin; Michael Pomerantz; Andrew Wolinsky; Defunct; Brian Dunne; ederieux@capshawlaw.com; Heidi Peterson; Schmalzbach, Brian D.; Hatch, Benjamin L.; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman; Yavar Bathaee
Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence
Attachments: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

Michael and Tom:

I disagree with your respective position that you are entitled to all of the information that you seek (per Michael's attached email) or that (per Tom's email below), with competent lead counsel remaining on his case, the motion is somehow transformed into something more than a simple motion to withdraw.

We are obviously at an impasse as to this motion to withdraw, which you both apparently view as a complex motion, when at bottom it is a borderline administrative motion. As I noted in my prior emails, all counsel except for those at Bathaee Dunne (i.e. Brian Dunne and Yavar Bathaee) and those at Capshaw DeRieux (i.e. Elizabeth DeRieux) will be withdrawing. This means that other than those folks at those two firms, all other counsel currently of record for plaintiffs, including myself, are withdrawing. These are the only facts you need to determine whether you consent. I offered to meet and confer by phone and even called and left a voicemail with Michael earlier today. That call was never returned.

I will note that that parties conferred via email but that I was not able to obtain your consent. I am putting the motion together now. Should you choose to reconsider your respective positions in the next few minutes, please feel free to give me a call, or in Michael's case, return my call. Thanks.

Andrew M. Williamson, Of Counsel
Pierce Bainbridge Beck Price & Hecht LLP

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From: Farrell, Thomas M.

Sent: Tuesday, April 14, 2020 5:34 PM

To: Andrew Williamson ; Swartzendruber, Michael

Cc: Fagelman, Jason ; Leito IV, James V. ; Young, Geraldine W. ; Tarpley, Philip ; Andrew Lorin ; Michael Pomerantz ; Andrew Wolinsky ; Defunct ; Brian Dunne ; ederieux@capshawlaw.com; Heidi Peterson ; Schmalzbach, Brian D. ; Hatch, Benjamin L. ; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman ; Yavar Bathaee

Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

In the unique circumstances of this case, a motion to withdraw from representing a putative nationwide class is by definition not straightforward. Before consenting, Boeing at a minimum would need to see your motion and proposed order and might thereafter have additional questions. If you file your motion tonight, without going through that process, you will be in violation of the meet-and-confer requirements of the local rules.

From: Andrew Williamson <awilliamson@piercebainbridge.com>

Sent: Tuesday, April 14, 2020 3:08 PM

To: Farrell, Thomas M. <TFarrell@mcguirewoods.com>; Swartzendruber, Michael <michael.swartzendruber@nortonrosefulbright.com>

Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V. <james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Wolinsky <awolinsky@piercebainbridge.com>; Defunct <defunct@piercebainbridge.com>; Brian Dunne <bdunne@bathaeedunne.com>; ederieux@capshawlaw.com; Heidi Peterson <hpeterson@capshawlaw.com>; Schmalzbach, Brian D. <BSchmalzbach@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman <egrauman@bathaeedunne.com>; Yavar Bathaee <yavar@bathaeedunne.com>

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Michael and Tom:

This is a straight forward motion to withdraw counsel—and obviously Bathaee Dunne will continue as lead counsel for plaintiffs, and Capshaw DeRieux will continue as local counsel. Either you consent or you do not. We just need to know for purposes of the certificate of conference.

We intend to file this evening. Please let us know your position by 6 p.m. Eastern. If we do not have an answer from you prior to filing, we will note in the certificate of conference that we attempted to obtain consent, but were not able to do so prior to filing. Thanks.

Andrew M. Williamson, Of Counsel
Pierce Bainbridge Beck Price & Hecht LLP

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Washington, DC 20004

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From: Farrell, Thomas M. <TFarrell@mcguirewoods.com>
Sent: Tuesday, April 14, 2020 4:04 PM
To: Swartzendruber, Michael <michael.swartzendruber@nortonrosefulbright.com>; Andrew Williamson <awilliamson@piercebainbridge.com>
Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V. <james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Wolinsky <awolinsky@piercebainbridge.com>; Defunct <defunct@piercebainbridge.com>; Brian Dunne <bdunne@bathaeedunne.com>; ederieux@capshawlaw.com; Heidi Peterson <hpeterson@capshawlaw.com>; Schmalzbach, Brian D. <BSchmalzbach@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman <egrauman@bathaeedunne.com>; Yavar Bathaee <yavar@bathaeedunne.com>
Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

Boeing is in the same boat. We too will circle back tomorrow.

From: Swartzendruber, Michael <michael.swartzendruber@nortonrosefulbright.com>
Sent: Tuesday, April 14, 2020 3:01 PM
To: Andrew Williamson <awilliamson@piercebainbridge.com>
Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V. <james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Wolinsky <awolinsky@piercebainbridge.com>; Defunct <defunct@piercebainbridge.com>; Brian Dunne <bdunne@bathaeedunne.com>; ederieux@capshawlaw.com; Heidi Peterson <hpeterson@capshawlaw.com>; Farrell, Thomas M. <TFarrell@mcguirewoods.com>; Schmalzbach, Brian D. <BSchmalzbach@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman <egrauman@bathaeedunne.com>; Yavar Bathaee <yavar@bathaeedunne.com>
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****EXTERNAL EMAIL; use caution with links and attachments****

Hi Andrew, I have your email below. We will circle back tomorrow. Thanks,

MAS

Michael A. Swartzendruber | Head of Dispute Resolution and Litigation, Dallas Office
Norton Rose Fulbright US LLP
2200 Ross Avenue, Suite 3600, Dallas, Texas 75201-7932, United States
Tel +1 214 855 8067 | Fax +1 214 855 8200
michael.swartzendruber@nortonrosefulbright.com

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From: Andrew Williamson [<mailto:awilliamson@piercebainbridge.com>]
Sent: Monday, April 13, 2020 11:02 PM
To: Swartzendruber, Michael <michael.swartzendruber@nortonrosefulbright.com>
Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V. <james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Wolinsky <awolinsky@piercebainbridge.com>; Defunct <defunct@piercebainbridge.com>; Brian Dunne <bdunne@bathaeedunne.com>; ederieux@capshawlaw.com; Heidi Peterson <hpeterson@capshawlaw.com>; Farrell, Thomas M. <TFarrell@mcguirewoods.com>; Schmalzbach, Brian D. <BSchmalzbach@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman <egrauman@bathaeedunne.com>; Yavar Bathaee <yavar@bathaeedunne.com>
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Importance: High

Michael,

Pierce Bainbridge will be withdrawing its appearance from this case with in the next couple of days, and the related PB attorneys, including Mike Pomerantz, Andrew Wolinsky, and myself (or any other PB attorneys remaining on the docket), will also have those appearances, or PHV appearances, withdrawn.

Will Defendants consent to this withdrawal?

In addition, Southwest can expect Pierce Bainbridge's response to the letter that your associate, Philip Tarpley, sent on your behalf on April 8th, prior to Pierce Bainbridge's withdrawal from this matter.

Thanks.

Andrew M. Williamson, Of Counsel
Pierce Bainbridge Beck Price & Hecht LLP

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Washington, DC 20004
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From: Swartzendruber, Michael <michael.swartzendruber@nortonrosefulbright.com>
Sent: Monday, April 13, 2020 11:03 PM

To: Brian Dunne <bdunne@bathaeedunne.com>; Yavar Bathaee <yavar@bathaeedunne.com>
Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V. <james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Williamson <awilliamson@piercebainbridge.com>; Andrew Wolinsky <awolinsky@piercebainbridge.com>; Defunct <defunct@piercebainbridge.com>; ederieux@capshawlaw.com; Heidi Peterson <hpeterson@capshawlaw.com>; Farrell, Thomas M. <TFarrell@mcguirewoods.com>; Schmalzbach, Brian D. <BSchmalzbach@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman <egrauman@bathaeedunne.com>
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Counsel for Plaintiffs,

Please let us know where Michael Pomerantz and Andrew Wolinsky are. Although I just now used their email addresses from Brian's April 11 email below (showing both of those attorneys as still at Pierce Bainbridge), my emails to both bounced back as undeliverable (as did Melissa Giger's). If these attorneys of record are no longer at Pierce Bainbridge, we need their correct firm and contact information to communicate with them; if they remain at Pierce, we still need correct contact information for all of them. Please send us this information, and please also copy us on your emails forwarding my email and April 13 letter to them. Thank you for your assistance in this regard.

MAS

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From: Swartzendruber, Michael
Sent: Monday, April 13, 2020 9:48 PM
To: 'Brian Dunne' <bdunne@bathaeedunne.com>; 'Yavar Bathaee' <yavar@bathaeedunne.com>
Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V. <james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Williamson <awilliamson@piercebainbridge.com>; Andrew Wolinsky <awolinsky@piercebainbridge.com>; Melissa Giger <mgiger@piercebainbridge.com>; ederieux@capshawlaw.com; Heidi Peterson <hpeterson@capshawlaw.com>; Farrell, Thomas M. <TFarrell@mcguirewoods.com>; Schmalzbach, Brian D. <BSchmalzbach@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman <egrauman@bathaeedunne.com>
Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

Counsel, Please see the attached response to the April 11 letter referenced in your email below.

Best,

MAS

Michael A. Swartzendruber | Head of Dispute Resolution and Litigation, Dallas Office
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From: Brian Dunne [<mailto:bdunne@bathaeedunne.com>]
Sent: Saturday, April 11, 2020 10:06 PM
To: Swartzendruber, Michael <michael.swartzendruber@nortonrosefulbright.com>
Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V. <james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Williamson <awilliamson@piercebainbridge.com>; Andrew Wolinsky <awolinsky@piercebainbridge.com>; Melissa Giger <mgiger@piercebainbridge.com>; ederieux@capshawlaw.com; Heidi Peterson <hpeterson@capshawlaw.com>; Farrell, Thomas M. <TFarrell@mcguirewoods.com>; Schmalzbach, Brian D. <BSchmalzbach@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Yavar Bathaee <yavar@bathaeedunne.com>; Edward Grauman <egrauman@bathaeedunne.com>
Subject: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

Counsel:

Please see the attached letter from Yavar Bathaee and Brian Dunne. Hope everyone is well.

Best,

Brian Dunne | Partner | Bathaee :: Dunne :: LLP | bdunne@bathaeedunne.com
633 West Fifth Street 26th Floor, Los Angeles CA 90071 | (213) 426-2772 (Direct)

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